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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,254	12/04/2003	Armin Herb	DT-6714	7792
30377	7590	08/30/2005	EXAMINER	
DAVID TOREN, ESQ. ABELMAN FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017-5621			SHARP, JEFFREY ANDREW	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,254

Applicant(s)

HERB, ARMIN

Examiner

Jeffrey Sharp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

[1] Claims 1-14 are pending.

Claims 10-12 and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. It appears that the election was made **without** traverse in the reply filed on 20 June 2005.

Claim Objections

[2] Claims 5 and 22 are objected to because of the following informalities:

Claim 5 is objected to because the word --rear-- should appear before "engagement member (line 2).

In claim 22, there is insufficient antecedent basis for the limitation "the stop" on line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

[3] The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

[4] Claim 20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitations "the stop" and "the at least one slot". There is

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insufficient antecedent basis for this limitation in the claim. Furthermore, claim 20 depends from withdrawn claim 19, drawn to a non-elected species.

Claim Rejections - 35 USC § 102

[5] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[6] Claims 1-8, 13-18, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffmann et al. US-2002/0098057A1.

In short, Hoffmann et al. teaches an attachment system comprising:

a receiving sleeve (4) comprising

engagement means (9),

at least one adjusting surface (10),

at least one slot (between 8 and 8'), and

a springy web (12);

an actuation member (5) being "displaceable parallel to the longitudinal axis of the receiving sleeve" (paragraph 0018) comprising

at least one actuation surface (7), and
at least one holding element (18, bottom of figure 4) to captivate a stop (19);
a **stop (19)** that "engages mounting opening limiting edges of the end surface of a
constructional component (21)"; and
a **rear engagement member (20)** "displaceable through the mounting opening of the
constructional component (21) from behind".

As for Claim 15, see paragraphs 0021 and 0024.

As for Claim 17, the receiving sleeve is essentially a one-piece part.

As for Claim 18, see abstract, line 6.

As for Claim 21, the receiving sleeve (4) is essentially a one piece part, but has two parts
(8,8') connected by at least one spring element (12).

[7] Claims 1-9, 13, and 15-18 are rejected under 35 U.S.C. 102(b,e) as being anticipated by
Hoffmann US-2002/0048499.

In short, Hoffmann teaches an attachment system to be employed on a C-shaped
installation/channel rail (i.e., 'track') assembly, comprising a slotted receiving sleeve (3,7) having
engagement means for engaging a rod member (2) and an adjusting surface (edge of 7), an
internally threaded stop (24 integral 14) engaged with an axially displaceable externally threaded
actuation member (15) having an internal inclined actuation surface (9,10,11) to radially displace
said slotted receiving sleeve (3,7) and a torque transmitting means (28). Hoffmann discloses a
rear engagement member (30) that engages holding elements of a constructional component (i.e.,
C-shaped installation rail). Hoffmann '499 uses said connection to drive engagement means on

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the receiving sleeve (3,7) radially inwardly or outwardly into and/or out of communication with said rod member (2), between a first position (unlocked) and second position (locked). When given its broadest reasonable interpretation, a springy web may be construed as any material having a spring force.

Note that such a means for gripping a rod via a threaded interface and split radial inner receiving sleeve is well-known as evidenced by Lorenz US-1,344,544, Smith US-897,168, as well as others cited on PTO-892 in this Office Action. Said means is generally known as a "collet and chuck assembly" (hereinafter "collet") or "nut lock". Collets generally comprise a slotted inner sleeve that comprises two parts joined by a spring means and formed as piece. The slotted inner sleeve may be provided with outer ramp engagement means that mates with a complementary inner surface of an externally threaded activation member. The external thread of the activation member generally communicates with an internal thread on what could broadly be construed as a "stop" member. As the activation member is displaced with respect to said stop member, a radial displacement of said slotted inner sleeve occurs, therefore causing an interference/ frictional fit between the sleeve and a rod member.

Claim Rejections - 35 USC § 103

[8] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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[9] As it is understood, claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffmann et al. US-2002/0098057A1 in view of Plank et al. US-5,655,865.

Hoffmann et al. teach each limitation of claim 21 as discussed above, but fail to disclose expressly, a locking element on at least one of the stop and rear engagement member engageable with a slot (not positively recited) on the retaining sleeve.

Plank et al. suggests a locking element (11) on a rear engagement member (15) engaging a slot (7) of a retaining sleeve (8), so as to keep the attachment system assembly together.

At the time of invention, it would have been obvious to one having an ordinary skill in the art, to employ a locking element on the rear engagement member taught by Hoffmann et al., as suggested by Plank et al., in order to engage a slot on the receiving sleeve and keep all elements of the assembly held together.

Conclusion

[10] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

US 0242074 A	USPAT	Theobald
US 0744559 A	USPAT	Kendrick
US 0892972 A	USPAT	Bryce
US 0894875 A	USPAT	Bryce
US 0897168 A	USPAT	Smith
US 1066414 A	USPAT	Gendre et al.
US 1142464 A	USPAT	Sparks
US 1293180 A	USPAT	Pace
US 1344544 A	USPAT	LORENZ WILLIAM R
US 20020048497 A1	US-PGPUB	Herb, Armin
US 20020054788 A1	US-PGPUB	Hoffmann, Armin
US 20020071735 A1	US-PGPUB	Dinh, Cong Thanh et al.
US 20020110435 A1	US-PGPUB	Herb, Armin et al.
US 20030175094 A1	US-PGPUB	Hoffmann, Armin et al.

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US 20030185643 A1	US-PGPUB	Thompson, William J.
US 20030198530 A1	US-PGPUB	Hoffmann, Armin et al.
US 20040165947 A1	US-PGPUB	Herb, Armin
US 20040165964 A1	US-PGPUB	Herb, Armin
US 20040165965 A1	US-PGPUB	Unverzagt, Stefan et al.
US 20040228681 A1	US-PGPUB	Herb, Armin
US 2264561 A	USPAT	BERGMANN PAUL F et al.
US 2377891 A	USPAT	ERNEST LAUE CHARLES
US 2633175 A	USPAT	EDMOND-PIERRE DESBRUERES
US 3599693 A	USPAT	Bucheli; Josef
US 3653691 A	USPAT	Bram; Georges Eugene
US 4030741 A	USPAT	Fidrych; Alfred Walter
US 4145075 A	USPAT	Holzmann; Hermann
US 4250348 A	USPAT	Kitagawa; Hiroji
US 4285379 A	USPAT	Kowalski; Joseph W.
US 4358079 A	USPAT	Navarro; John N.
US 4410298 A	USPAT	Kowalski; Joseph W.
US 4460299 A	USPAT	Kowalski; Joseph W.
US 4645393 A	USPAT	Pletcher; Donald L.
US 4666355 A	USPAT	Stover; David R.
US 4738636 A	USPAT	Bolante; Jay J.
US 4930961 A	USPAT	Weis; Charles W.
US 5104273 A	USPAT	Clark; Arlance G.
US 5211576 A	USPAT	Tonkiss; David W. et al.
US 5271586 A	USPAT	Schmidt; Bernhardt J.
US 5405172 A	USPAT	Mullen, Jr.; Thomas M.
US 5489173 A	USPAT	Hofle; Siegfried
US 5628598 A	USPAT	Hofle; Siegfried
US 5769365 A	USPAT	Onishi; Yoshio et al.
US 5866853 A	USPAT	Sheehan; Robert K.
US 6244806 B1	USPAT	Kato; Tosiya
US 6284973 B1	USPAT	Daoud; Bassel Hage
US 6290426 B1	USPAT	van Gijssels; Gerardus Emanuel Cornelius et al.
US 6305889 B1	USPAT	Blessing; Mathias et al.
US 6350955 B1	USPAT	Daoud; Bassel Hage
US 6386809 B2	USPAT	Ikuta; Kazuichi
US 6447200 B1	USPAT	Hungerford, III; C. Stuart
US 6448496 B1	USPAT	Daoud; Bassel Hage
US 6488317 B1	USPAT	Daoud; Bassel Hage
US 6632058 B2	USPAT	Hoffmann; Armin et al.
US 6652209 B2	USPAT	Hoffmann; Armin
US 6854944 B2	USPAT	Hoffmann; Armin et al.
US 6890006 B2	USPAT	Crestin; Joseph et al.
US RE35479 E	USPAT	Witherbee; Martin L. et al.

[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

NEW CENTRAL FAX NUMBER

Effective July 15, 2005

On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

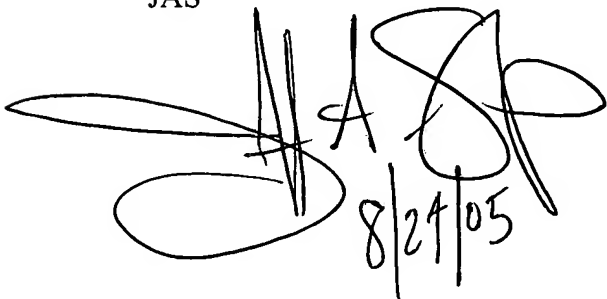

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS

A handwritten signature in black ink, followed by the date 8/24/05 written vertically below it.A handwritten signature in black ink, appearing to read "Sandy".
**ROBERT J. SANDY
PRIMARY EXAMINER**